

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOMINICA MANAGEMENT, INC.,

Judge Berman

BERMAN, S.
ORIGINAL

04 CV 07675

Plaintiff,

v.

AMERICAN UNIVERSITY OF ANTIGUA
COLLEGE OF MEDICINE, NEAL S. SIMON
And SOL WELTMAN,

ORDER TO SHOW CAUSE FOR
PRELIMINARY INJUNCTION
AND TEMPORARY
RESTRANING ORDER AND
FOR EXPEDITED DISCOVERY

Defendants.

X

Upon the annexed affidavits of John T. St. James, Robert O'Leary and Susan A. Corrado, all sworn to on the 27th day of September, 2004, and of Jennifer A. McLaughlin and Peter J. Mastaglio, both sworn to September 28, 2004, and upon the copy of the complaint hereto annexed, it is

ORDERED, that the above named defendants ~~show cause for the entry of a preliminary injunction and temporary restraining order and for expedited discovery~~ appear at a conference w. H. ~~show cause for the entry of a preliminary injunction and temporary restraining order and for expedited discovery~~
this Court at Room ~~706~~ ⁴⁰⁶, United States Courthouse, 500 Pearl Street, in the City, County and State of New York on ~~September~~ ^{Oct 1}, 2004, at ~~2:30~~ ^{1:30} o'clock in the ~~after~~ ^{after} afternoon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 26 of the Federal Rules of Civil Procedure granting plaintiff expedited discovery as set forth in paragraph 22 of the St. James moving affidavit and pursuant to Rule 65 of the Federal Rules of Civil Procedure directing defendants during the pendency of this action to preserve all computer systems, removable electronic media and other locations, including, but not limited to, e-mail and other electronic communication, word processing documents, spreadsheets, databases, calendars, telephone logs, contact manager information, Internet usage files, and network access information, and to discontinue all data destruction and backup tape recycling policies; and it is further

ORDERED, that sufficient reason having been shown therefore, pending the hearing of plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the defendant is temporarily directed to preserve all ~~related documents, or the def~~ computer systems, removable electronic media and other locations, including, but not limited to, e-mail and other electronic communication, word processing documents, spreadsheets, databases, calendars, telephone logs, contact manager information, Internet usage files, and network access information, and to discontinue all data destruction and backup tape recycling policies; and it is further

~~ORDERED, that security in the amount of \$ _____ be posted by the plaintiff prior to September _____, 2004, at _____ o'clock in the _____ noon of that day;~~
and it is further

~~ORDERED, that personal service of a copy of this order and annexed affidavit upon the defendants or their counsel on or before _____ o'clock in the ~~after~~ noon, September 29, 2004, shall be deemed good and sufficient service thereof.~~

Dated: New York, New York

ISSUED: 6:25 P. M
9/28/04

RMB
United States District Judge

ORDERED That answering papers, if any, be filed with this Court and upon plaintiff's counsel by or before 2:00 p.m. on September 30, 2004; and it is further

ORDERED That all parties are to meet and confer in person no later than 4:00 p.m. on September 30, 2004 to resolve all issues presented here.

RMB